

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DAVID STEBBINS,)
v. Plaintiff,)
RELIABLE HEAT & AIR, LLC, et al.,)
Defendants.)
Case No. 10-3305-CV-S-RED

ORDER

Pending before the Court is Plaintiff's Application for Leave to File Action Without Payment of Fees with Affidavit of Financial Status in Support (Doc. 1). After considering the information in the Motion and Affidavit, the Court finds that the Plaintiff is unable to pay the costs of filing this action at this time.

Title 28, United States Code, § 1915 states in part:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.

Local Rule 83.7 states:

In forma pauperis status may be reviewed and rescinded by the Court at any time. Some grounds for review and revision would be if the party becomes capable of paying the complete filing fee or if the Court determines the case is frivolous, or if the Court determines that the applicant has willfully misstated information in the application for leave to proceed in forma pauperis.

Applying Local Rule 83.7 to the case at hand, the Court will grant Plaintiff provisional leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff's in forma pauperis status shall

remain subject to review by the Court in the event that Plaintiff becomes capable of paying any or all of the filing fees in this case. Accordingly, it is **ORDERED AND ADJUDGED that:**

1. Plaintiff's Application for Leave to File Action Without Payment of Fees with Affidavit of Financial Status in Support (Doc. 1) is **GRANTED**.
2. Plaintiff is directed to file his Complaint as a separate docket entry within **fifteen (15) days from the date of this Order**.
3. Plaintiff is responsible for serving process on the Defendants in the manner described in Rule 4 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

DATED: August 12, 2010

/s/ Richard E. Dorr
RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT